

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

APPELLANT'S DESIGNATION OF RECORD

COMES NOW Plaintiff/Appellant, Mark Horton, by and through his undersigned counsel, and designates the following as the Record on Appeal:

1. Complaint [Doc. 1];
2. Defendant MGM’s Motion to Dismiss Plaintiff’s Complaint [Doc. 6];
3. Defendant MGM’s Memorandum in Support of Motion to Dismiss Plaintiff’s Complaint [Doc. 7];
4. Plaintiff’s Memorandum in Opposition to Defendant’s Motion to Dismiss Plaintiff’s Complaint [Doc. 13];
5. Defendant MGM’s Reply in Support of its Motion to Dismiss Plaintiff’s Complaint [Doc. 19];
6. Memorandum and Order [Doc. 20];
7. Notice of Election to Stand on Original Complaint and Request for Entry of Final Disposition [Doc. 21];

8. Order of Dismissal [Doc. 22]; and
9. Notice of Appeal [Doc. 23].

Respectfully Submitted,

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By /s/Mark S. Schuver

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CERTIFICATE OF SERVICE

I hereby certify that, on January 26, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/Mark S. Schuver
